

REMARKS

This application provides for, *inter alia*, a multipack which is comprised of bags, each containing different products, which are arranged in a predetermined sequence for removal and where the superimposed edge sections of the bags are offset to each other. The inventive multipacks provide for, for example, a simpler method to administer the drugs to a patient and bags that are easier to manufacture. More specifically, the advantages, *inter alia*, with the bags being arranged in offset are: first, that the block does not exhibit the “fan out effect”; second, the individual bags can be removed from the block without the risk of errors in the predetermined order; third, the bags can be removed with more comfort and ease than the bags not so arranged; and fourth, the risk of removing two or more bags is substantially reduced in a situation where the individual bags are aligned.

It is believed that no further fee is required for the consideration of this Amendment. However, if an additional fee should be required, the Director is authorized to charge the fee to Deposit Account 50-0320.

The present claims are directed to the embodiment wherein the adjacent bags are offset with respect to each other. Applicants are canceling the remaining embodiments with prejudice in order to advance prosecution. Applicants reserve the right to file a divisional application directed to the remaining embodiments. As this embodiment has support, *inter alia*, in claim 35, no matter is added.

The withdrawal of the rejection under 35 U.S.C. §§101, 112, and 102(b) is greatly appreciated.

Claims 29 to 41 stand rejected under 35 USC §103(a) for allegedly being unpatentable over the teachings of Reffengeau, French Patent No. 2 629 729 in view of Casper, U.S.

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5,422,119. As neither Raffengeau nor Casper suggest arranging the bags in the devices described therein so that superimposed edge sections of the two adjacent bags are offset with respect to each other, it is urged that the rejection does not establish a *prima facie* case of obviousness and the withdrawal of the rejection is requested.

The present claims provide for, *inter alia*, a multipack which is comprised of bags, in which the adjacent bags are superimposed on each other and are arranged in a predetermined sequence for removal; the superimposed edge of the adjacent bags offset with respect to each other. As neither Raffengeau nor Casper suggests a multipack wherein the superimposed edge sections of two adjacent bags are offset with respect to each other, the rejection does not establish a *prima facie* case of obviousness. Moreover, neither Raffengeau nor Casper suggest a method for producing the same.

Contrary to the position taken in the rejection in the paragraph bridging pages 3 and 4, Raffengeau does not disclose a multipack wherein the individual bags offset with respect to each other. In Raffengeau, the bags are aligned or flushed with respect to each other.

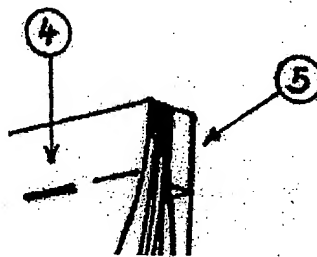


Fig. 1 (Raffengeau)

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This stands in contrast to the bags of the present invention, which are offset or non-aligned with respect to each other.

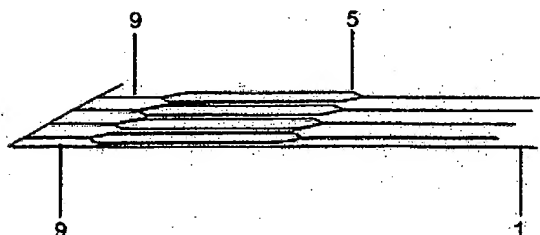


Fig. 7 (present application)

Hence, the product disclosed in Raffengeau differs from the multipack of the present invention not only in the fact that the bags are not arranged in a predetermined order, it does not suggest arranging the bags so that the superimposed edge sections are offset with respect to each other. Moreover, Raffengeau does not provide any motivation to arrange the individual bags in such a manner.

Applicants urge that Casper does not correct for this deficiency. Casper is silent with respect to the arrangement of the individual patches except that they must be arranged in a predetermined order (col. 8, lines 15-21). In Example 5, Casper discloses a packaging for the patches in which each patch is sealed in a protective pouch and placed in carton (see col. 10, lines 27-31). The individual bags are not joined together. Thus, Casper cannot provide any suggestion to join at least two of the bags together to form a block, let alone to arrange the two

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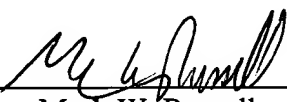
adjacent bags so that the edge sections are superimposed with respect to each other. Accordingly, it is urged that the claims directed to the inventive multipacks are clearly patentable over the teachings of Raffengeau and Casper.

Moreover, it is urged that Raffengeau taken in any fair combination with Casper does not suggest the claims directed to the inventive method. Claim 39 recites the step of “arranging the superimposed edge sections of the product filled bags so that they are offset with respect to each other.” The result of this step is that the individual bags are not aligned with each other, i.e., they are not flush with respect to each other. This stands in contrast to Raffengeau wherein the individual bags are flushed or aligned with each other (see figure above). Casper does not correct this deficiency since the prior patent teaches a package wherein the adjacent bags are attached. Hence, the prior patent cannot suggest a process wherein the adjacent bags are attached to form a block and the two adjacent bags are offset with respect to each other. Accordingly, reconsideration of this rejection is requested.

Favorable action is earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG
Attorneys for Applicants

By: 
Mark W. Russell
Reg. No. 37,514
(212) 588-0800

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